



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Kevin R. Stone, et al.  
Serial No.: 10/712,165  
Filed: November 13, 2003  
Title: BONE XENOGRAFTS  
Examiner: Vera Afremova Art Unit: 1651  
Docket: CROL-132CPCN

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited on the date stated below, with the U.S. Postal Service as "Express Mail Post Office to Addressee," **Express Mail Label No. EV 961806041 US**, addressed to MS: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3/14/2007

Date

*Elsie Saraglow*

Elsie Saraglow

**MS: Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL RESPONSE TO OFFICE ACTION**

This paper is supplemental to the Response to Office Action filed November 22, 2006. That Response to Action included an unexecuted Declaration of Kevin R. Stone, M.D. An executed Declaration is enclosed.

**REMARKS**

In view of that Declaration, there is now no proper basis for the §103(a) rejection. The Declaration has signed the Declaration and is submitted in this Supplemental Amendment. Upon such submission, it is requested that the §103(a) rejection be reconsidered and withdrawn.

**CONCLUSION**

For the reasons set forth above, there is no proper basis for the §103 and §112 rejections and those rejections should be reconsidered and withdrawn. Upon or before the next Action, the Applicants expect to resolve the non-statutory obviousness-type double patenting rejections by filing an appropriate Terminal Disclaimer.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at telephone (617)342-4000. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3431, Reference No. CROL-0132CPCN. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3431, Reference No. CROL-0132CPCN.

Respectfully submitted,

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Date: March 14, 2007

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